

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JORDAN PENLAND, KARL GERNER, )  
EDWARD R. BURKE, AND PAUL C. )  
BURKE, )  
Plaintiffs, ) Judge John Robert Blakey  
vs. )  
CHICAGO PARK DISTRICT, SOLDIER )  
FIELD, and ASM GLOBAL, ) Case No. 1:21-cv-05581  
Defendants. )

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED  
COMPLAINT FOR FAILURE TO STATE A CLAIM**

Defendant SMG d/b/a ASM Global (“SMG”) (erroneously named and served as “ASM Global”), and the Chicago Park District (simultaneously and erroneously named and served as “Soldier Field”) (the “Park District”), by its undersigned attorneys, hereby move the Court for an order dismissing Count Two of Plaintiffs Jordan Penland’s, Karl Gerner’s, Edward R. Burke’s, and Paul C. Burke’s (“Plaintiffs”) Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6), and for an order dismissing Count One of Plaintiffs’ Complaint as against the Park District with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6). The reasons for this Motion are set forth in Defendants’ contemporaneously filed brief in support of this Motion.

Date: February 10, 2022

Respectfully submitted,

/s/ John R. Fitzgerald

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*Attorneys for Defendants SMG d/b/a ASM Global  
and the Chicago Park District*

**CERTIFICATE OF SERVICE**

I, John FitzGerald, an attorney, hereby certify that on February 10, 2022, I caused the foregoing MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM to be filed through the Court's CM/ECF system, which shall send notification of such filing to all counsel of record at their e-mail addresses on file with the Court.

/s/ John R. FitzGerald  
John R. FitzGerald